Massachusetts Workmen's Compensation Act of 1911 was injured in the scope of his employment in New York and sought to recover from the Mutual Liability Insurance Co. *Held*, that the act contemplates no extraterritorial effect. *In re American Mutual Liability Insurance Co.*, 102 N. E. 693 (Mass.).

The principles involved are discussed in this issue, page 271.

NUISANCE — NATURE OF RIGHT TO MAINTAIN NUISANCE — EFFECT OF ACTION IN RELIANCE UPON PAROL LICENSE. — The plaintiff sued the defendant, an adjoining landowner, for maintaining a nuisance in the form of a pumping station. The defendant claimed an irrevocable license to maintain the nuisance because the plaintiff's grantor, in consideration of the payment of a consensual judgment awarding past and future damages for the nuisance, had discharged the defendant from all claims of this character which at any time might accrue to the owner of the property. *Held*, that the plaintiff can recover. *Panama Realty Co.* v. *City of New York*, 143 N. Y. Supp. 893 (N. Y. App. Div.).

This decision reverses the holding of the lower court to the effect that the defendant had acquired an irrevocable license to maintain the nuisance. The court below considered the right to enjoy land free from nuisance as in the nature of a servitude imposed on the adjoining land. It argued, therefore, that a license to maintain a nuisance, when acted upon, would extinguish this easement or right of the owner of the annoyed land to enjoy his land free from nuisance. For a criticism of the decision of the lower court, see 26 HARV. L. REV. 460. The upper court adopts the proper view that the right to maintain a nuisance to adjoining land is essentially an easement, and can arise, therefore, only by grant or prescription.

PATENTS — NATURE AND REQUISITES FOR PATENT — PREVIOUS ABANDONMENT AS A BAR. — An application was made for a process patent. The applicant had, more than two years before, obtained an apparatus patent, and his application had completely disclosed the process which was the subject of his present application. *Held*, that the process idea, having been abandoned, could not be patented. *Re Leonard's Application for a Patent*, 13 East. L. R. 280 (Canada).

In the United States, as well as in Canada, if an inventor in his application distinctly limits his claims for a patent to less than the full scope of the novel ideas disclosed, the unclaimed inventions are made public property. *Underwood* v. *Gerber*, 149 U. S. 224, 13 Sup. Ct. 854; *McClain* v. *Ostmayer*, 141 U. S. 419, 12 Sup. Ct. 76. It is commonly said that the unclaimed inventions are abandoned or dedicated to the public. *Stirrat* v. *Excelsior Mfg. Co.*, 61 Fed. 980. These terms, it is submitted, are fictitious, as they imply an intent on the part of the inventor which surely does not exist save in rare instances. The doctrine of abandonment really operates as a forfeiture, in certain circumstances, of the right of the inventor to secure a monopoly of his invention by patent. That this is the true significance of the doctrine is indicated by the reluctance of the courts to find abandonment and their insistence that the proof of it be convincing. *Mast* v. *Dempster Mill Mfg. Co.*, 82 Fed. 327, 27 C. C. A. 191; *Ide* v. *Trorlicht, Duncker, & Renard Carpet Co.*, 115 Fed. 137, 53 C. C. A. 341. The courts, nevertheless, treat this fictitious intention as a question of fact and, in accordance with that view, consider that the *primâ facie* appearance of abandonment by unclaimed disclosure in the application may be rebutted by the filing of a separate application for patent on the unclaimed idea. *Victor Talking Machine Co.* v. *American Graphophone Co.*, 145 Fed. 350, 76 C. C. A. 180; *Suffolk* v. *Hayden*, 3 Wall. (U. S.) 315. The result of the principal case would be reached in the United States, not only because of the abandonment, but also on account of the provision in the United States statute that an invention which has been in public